In the High Court of Judicature for Rajasthan
Jaipur Bench
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Cr. Msc. Petition No.2170/2007
Haka Electrotech (P) Ltd ***Versus***
State & Chemical & Assessories Corpn.

Date of Order ::: 11/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. Ram Rakh Sharma, for petitioner

Instant petition U/s 482, CrPC is directed against order dt.28/09/05 whereby Addl. Chief Judl. Mag. No.5, Jaipur City in Cr. Complaint No. 604/03 dismissed application U/s 91, CrPC for summoning document – against which Cr.Rev.Pet-20/06 filed by petitioner has also been dismissed by Special Judge (SC/ST) Jaipur vide order dt.19/09/07.

Petitioner (accused) is facing trial for offence U/s 138 of Negotiable Instruments Act. After trial Magistrate took cognizance of offence alleged, statement of prosecution witnesses including complainant-respondent NO.2) were recorded and who were cross examined in details on 04/08/04 and thereafter statement of accused U/s 313, CrPC was also recorded and thereafter, he has filed application on 26/05/05 U/s 91, CrPC wherein reference of one document has been made, which is sought to be summoned but there was no details whereof which he desired to be placed on record.

After taking note of material on record, learned trial Court was declined to consider the application at this stage particularly when complainant has been cross examined, no question was put and that apart, application, itself, U/s 91, CrPC does not disclose document which petitioner desired to summon . Court of Revision also examined grievance of petitioner in details and find no substance therein and accordingly dismissed revision petition. This Court has gone through the orders impugned and does not find any infirmity which may call for interference at this stage U/s 482, CrPC.

Consequently, misc. petition fails and is hereby dismissed.

(**Ajay Rastogi), J.**

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